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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,766	12/11/2003	Yoshio Tomoda	42760-0300	1821
21611	7590	11/09/2006	EXAMINER	
SNELL & WILMER LLP 600 ANTON BOULEVARD SUITE 1400 COSTA MESA, CA 92626			TRAN LIEN, THUY	
			ART UNIT	PAPER NUMBER
			1761	

DATE MAILED: 11/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/734,766

Applicant(s)

TOMODA ET AL.

Examiner

Lien T. Tran

Art Unit

1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Claims 21-23, 25,28,29,31-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Karppanen et al.

Karppanen et al disclose a method for preparing food comprising dough or batter to be cooked under heat. The method comprises the steps of adding to the food prior to heating an effective amount of at least addition selected from magnesium chloride, calcium chloride and heating the foods. The foods includes bread, cookies, biscuit-like product, seasoning etc.. The calcium compound can be another other physiologically acceptable calcium compound. Examples 1 and 2 shows dough products containing the additive and the dough is subjected to baking at temperature of 230 degree C. Example 1 also shows the additives to be in the range of .3% which falls within the range claimed.

Karppanen et al disclose adding the same food additives as claimed and the additives are added prior to heating; thus, the improvement of minimizing formation of acrylamide or reduction in acrylamide content is inherent in the Karppanen et al process. Furthermore, with respect to the method, the preamble does not limit the claim because the step following the preamble is self-contained and does not depend on the preamble for completeness. The claim recites the step of adding to the food prior to heating an effective amount of additive and Karppanen et al disclose such step.

Claims 24,26,27 and 30 rejected under 35 U.S.C. 103(a) as being unpatentable over Karppanen et al.

Karppanen et al do not specifically disclose frying, stir-frying or roasting, the foods as claimed and the use of calcium oxide.

It would have been obvious to one skilled in the art to determine the method of heating depending on the types of food products. For example, it would have been obvious to fry, stir-fry or roast meat products. It would also have been obvious to add the additives in any other food products when desiring the benefits disclosed by Karppanen et al in such food products. This would have been an obvious matter of preference. It would have been obvious to use calcium oxide because Karppanen et al disclose other form of calcium can be used and calcium oxide is known to be used in the food products. Calcium oxide is commonly used in making masa flour for production of tortilla chip, taco etc...:

Claims 35, 42-44, 46-47 rejected under 35 U.S.C. 102(e) as being anticipated by Bouwmeesters et al .

Bouwmeesters et al disclose a method of preparing food to be cooked under heat. The method comprises the steps of adding an additive which comprises at least one ions selected from copper, barium and iron. The additive is added before frying, baking, cooking or boiling. ( see col. 3 lines 37-42, col. 4 lines 28-31 and 55-60)

Bouwmeesters et al disclose adding the same food additive as claimed and the additive is added prior to heating; thus, the improvement of minimizing formation of acrylamide or reduction in acrylamide content is inherent in the Bouwmeesters et al process. Furthermore, with respect to the method, the preamble does not limit the claim because the step following the preamble is self-contained and does not depend on the preamble for completeness. The claim recites the step of adding to the food prior to heating an effective amount of additive and Bouwmeesters et al disclose such step.

Claims 36-41,45,48 rejected under 35 U.S.C. 103(a) as being unpatentable over Bouwmeesters et al.

Bouwmeesters et al do not disclose the types of food as claimed, food containing cereal flour and starch, the specific temperature as claimed and the amount as claimed.

It would have been obvious to add the additive disclosed by Bouwmeesters et al to any food product when desiring to increase the flavor to such food products. It would have been obvious to determine the temperature depending on the type of food.

Bouwmeesters et al disclose the same method of heating as claimed; thus, it is obvious the temperature can fall within the range claimed. It would have been obvious to vary the amount of ion within the guidance disclosed by Bouwmeesters et al through routine experimentation. Bouwmeesters et al teach the calcium ions are in the range of 1-10%.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lien T. Tran whose telephone number is 571-272-1408. The examiner can normally be reached on Monday, Wednesday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cano Milton can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1761

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

November 8, 2006

*Lien Tran*  
LIEN TRAN  
PRIMARY EXAMINER  
*Group 1700*